

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM FRANCIS, JR.	:	
	:	
Plaintiff,	:	C.A. No.: 07-015-JJF
	:	
v.	:	
	:	
WARDEN THOMAS CARROLL,	:	
CORRECTIONAL MEDICAL SERVICES	:	TRIAL BY JURY OF
STAN TAYLOR, and JOYCE TALLEY,	:	TWELVE DEMANDED
	:	
Defendants.	:	

**DEFENDANT CORRECTIONAL MEDICAL SERVICES, INC.'S
MOTION FOR EXTENSION OF TIME
TO RESPOND TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

COMES NOW, Defendant, Correctional Medical Services (hereinafter CMS), by and through its' undersigned attorney to hereby move pursuant to Fed. R. Civ. P. 16 and D. Del. L.R. 16.4 for an extension of time within which to respond to Plaintiff's First Set of Interrogatories and in support thereof states as follows:

1. Plaintiff filed the First Set of Interrogatories on April 29, 2008 (DI 53). The DI number was later changed to DI 61 after notification to the Clerk's office from the undersigned that the Interrogatories appear to have been mistakenly docketed as an attachment to another pleading.
2. Responses to said Interrogatories are due on or about May 29, 2008.
3. The undersigned recently learned that the contact person at CMS who will be assisting with the responses was out of town and has not had sufficient time to review the Interrogatories.
4. On May 22, 2008, the undersigned sent a letter to Plaintiff requesting a 30 day extension to respond to the interrogatories (See Exhibit "A" attached hereto). However, due to the intervening holiday, it is possible that Plaintiff has not had sufficient time to consider CMS's

request. Consequently, this motion is being filed to request a 30 day extension to file the responses to said interrogatories.

5. No prejudice will result to Plaintiff as there is no scheduling order in place and the matter is not set for trial.

WHEREFORE, Correctional Medical Services respectfully requests that a 30 day extension be granted to respond to Plaintiff's First Set of Interrogatories by June 28, 2008.

/s/ Eileen M. Ford
Eileen M. Ford, Esquire (ID # 2870)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 Market Street, Suite 800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant
Correctional Medical Services

Date: May 28, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM FRANCIS, JR.	:	
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Plaintiff,	:	C.A. No.: 07-015-JJF
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v.	:	
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WARDEN THOMAS CARROLL,	:	
CORRECTIONAL MEDICAL SERVICES	:	TRIAL BY JURY OF
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	:	
Defendants.	:	

NOTICE OF MOTION

PLEASE TAKE NOTICE that the attached motion for extension of time to respond to Plaintiff's first set of interrogatories has been presented by Defendant, Correctional Medical Services, Inc., and will be heard at the convenience of the Court.

Date: May 28, 2008

/s/ Eileen M. Ford
Eileen M. Ford, Esquire (ID # 2870)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 Market Street, Suite 800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant
Correctional Medical Services

EXHIBIT “A”

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

ATTORNEYS AT LAW

www.mooclaw.com

DELAWARE OFFICE

Suite 800

913 N. Market Street

Wilmington, DE 19801

(302) 658-6538 Fax: (302) 658-6537

Eileen M. Ford

Member DE, NJ & PA Bars

eford@mooclaw.com

May 22, 2008

Mr. William Francis, Jr.
SBI#264560
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Re: William Francis v. Thomas Carroll, et al.
C.A. No. 07-015 JJF
Our File No. 431-79493

Dear Mr. Francis:

Our office is in the process of preparing responses to the Interrogatories you served in the above matter.

We are writing to request an additional 30 day extension on the submission of the responses, as I have just learned that the person with whom we need to obtain the responses is unavailable until May 27, 2008. This does not give us sufficient time to finalize the responses by May 28, 2008.

If you agree to this request, please sign a below and return a copy of your consent to our office in the self addressed stamped envelope below.

If you are able to call me on May 27, 2008, to let me know you consent to that request, that would be helpful.

If I don't hear from you by 4:00 p.m. on May 27, 2008 I will have to file a motion for extension of time with the court.

Philadelphia
Pennsylvania

Pennsauken
New Jersey

New York City
New York

Pittsburgh
Pennsylvania

Towson
Maryland

Doylestown
Pennsylvania

Elmsford
New York

Marks, O'Neill, O'Brien & Courtney, P.C.

May 22, 2008
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I look forward to hearing from you soon.

Very truly yours,

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**

By: Eileen Ford
Eileen M. Ford

I, William Francis, hereby agree to the extension to respond to the Interrogatories to June 27, 2008.

Date: _____

William Francis

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM FRANCIS, JR.	:	
	:	
Plaintiff,	:	C.A. No.: 07-015-JJF
	:	
v.	:	
	:	
WARDEN THOMAS CARROLL,	:	
CORRECTIONAL MEDICAL SERVICES :	:	TRIAL BY JURY OF
STAN TAYLOR, and JOYCE TALLEY,	:	TWELVE DEMANDED
	:	
Defendants.	:	

7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1 that:

1. Plaintiff, William Francis, Jr., is currently incarcerated at the Delaware Correctional Center.
2. On May 22, 2008 the undersigned mailed Exhibit "A" to Plaintiff asking if he would agree to a 30 day extension of time within which to answer the interrogatories. It is possible that due to the holiday mail delivery to the Plaintiff was delayed and he has not had sufficient time within which to contact the undersigned about said request.
- 3.. This motion is being filed as a matter of precaution and the undersigned counsel assumes that the Motion is opposed.

/s/ Eileen M. Ford
Eileen M. Ford, Esquire (2870)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 Market Street, Suite 800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant
Correctional Medical Services

Date: May 28, 2008

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	:	
Defendants.	:	

ORDER

Upon consideration of Defendant, Correctional Medical Services, Inc.'s, Motion for Extension of Time to Respond to Plaintiff's First Set of Interrogatories, and any response thereto, IT IS HEREBY ORDERED this ____ day of _____, 2008 that said motion is GRANTED.

Defendant, Correctional Medical Services, Inc., shall have until June 28, 2008 within which to file responds and/or otherwise object to said interrogatories.

Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM FRANCIS, JR.,

Plaintiff,

V.

C. A. No. 07-015-JJF

WARDEN THOMAS CARROLL,
CORRECTIONAL MEDICAL SERVICES,
STAN TAYLOR, and JOYCE TALLEY,

Defendants.

CERTIFICATE OF SERVICE

I, **Eileen M. Ford, Esquire**, hereby certify that on **May 28, 2008**, I electronically filed the **Motion for Extension of Time To Respond To Plaintiff's First Set of Interrogatories** with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following: Ophelia M. Waters. I have served via first class mail two copies of foregoing to the Pro Se Plaintiff:

William Francis, Jr., *Pro Se*
Inmate SBI# 264560
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977
Via First Class US Mail

/s/ Eileen M. Ford
Eileen M. Ford, Esquire (ID No. 2870)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 North Market Street, #800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant